BoxInterferences@uspto.gov Telephone: 571-272-4683 Paper 42 16 September 2009

UNITED STATES PATENT AND TRADEMARK OFFICE BOARD OF PATENT APPEALS AND INTERFERENCES

Patent Interference No. 105,641

NATIONAL JEWISH HEALTH (Paper 39) (09/809,753), Junior Party,

v.

UNIVERSITÉ DE SHERBROOKE (6,743,429), Senior Party.

Before: JAMESON LEE, RICHARD TORCZON, and SALLY C. MEDLEY, *Administrative Patent Judges*.

TORCZON, Administrative Patent Judge.

JUDGMENT

Bd.R. 127(b) on request

The junior party (National Jewish Health) has requested adverse judgment. Accordingly—

JUDGMENT is ENTERED AGAINST the junior party, National Jewish Health, for count 1;² and

Claims 1, 3-10, 12-14, 20-26, 29, 30, 43, 44, and 46 of National Jewish Health's involved 09/809,753 application are FINALLY REFUSED.³

A copy of this judgment be entered in the administrative records of the involved patent and the involved application.

cc:

M. Paul Barker, Finnegan, Henderson, Farabow, Garrett & Dunner, L.L.P., of Palo Alto, California, with Gary J. Connell, Sheridan Ross PC, of Denver, Colorado

Steven J. Lee, Kenyon & Kenyon LLP, of New York, New York, with Jonathan D. Cutler, Osler, Hoskin & Harcourt LLP, of Montreal, Quebec

¹ Paper 40.

² Paper 1 at 3.

³ 35 U.S.C. 135(a).